

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2007

CORAM:

THE HON'BLE MR.JUSTICE M.CHOCKALINGAM

W.P.NO.6299 OF 2007

AND

M.P.NO.1 OF 2007

B.Meera

...Petitioner

Vs.

The Controller of Examination,
Tamil Nadu Public Service Commission
Omanthoorar Government Estate
Chennai-02.

...Respondent

Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus as stated within

For petitioner: Mr.K.Prem Kumar

For Respondent: Mr.C.V.G.Ezhilarasi

ORDER

The petitioner has brought forth this writ petition for the issuance of a writ of mandamus directing the respondent to issue Hall Ticket and permit the petitioner to write the Combined Engineering Service Examination for the post of Assistant Engineers 2006 scheduled to be held on 25.02.2007 or any other subsequent date as fixed by the respondent and consequently direct the respondent to publish the results of the examination written by the petitioner.

2. Affidavit filed in support of the petition is perused.

3. The Court heard the learned counsel on either side.

4. The case of the petitioner in short is that she applied for Combined Engineering Services Examination to be conducted by the Tamil Nadu Public Service Commission, the respondent herein. The petitioner applied for the above said post which is to be processed by the respondent herein by inviting an application and thereafter to be followed by the written examination and then selection process which would select the

successful candidate. The petitioner applied for the post of Assistant Engineer by sending an application in Application No.AC356038. But the respondent rejected the said application by letter dated 12.2.2007 on the ground that the "candidate has not signed in the application". On receipt of the said communication, the petitioner has challenged the same by way of a writ petition.

5. Advancing his arguments on behalf of the petitioner, learned counsel for the petitioner would submit that the application of the petitioner was rejected by the respondent on the ground of non-signing of the application in Column No.24, that the petitioner made representation to the authorities stating that Column 24 was not filled up by the petitioner, as it relates to the past appearances in the interview, if any and since the petitioner had not appeared for interview earlier, she had not filled up Column No.24, but she has signed the declaration to be made by the candidates at the end of the page and therefore the application was in order and hence the application of the petitioner should not have been rejected. Learned counsel for the petitioner would further add that rejection of the application is highly technical and if allowed, it would deprive the opportunity to the petitioner from appearing in the present examination to be held on 25.2.2007.

6. The Court heard the learned counsel for the respondent on the above contentions.

7. Learned counsel for the respondent would submit that on the same ground, number of candidates filed writ petitions and most of them have been dismissed by this Court. Learned counsel would further add that it is very clear even in the application form itself that at three places, the candidate must sign in the application., viz., (i) At the bottom of the photograph in the first page (ii) At the end of the application form and (iii) Below the declaration. But in the instant case, the petitioner has signed only in two pages viz. one at the bottom of the photograph and another below the declaration at the last page, but she has not signed the application form at all. In a case like this where the application form was not signed by a candidate, though there was no ambiguity noticed, no relief could be granted to the the petitioner. Under such circumstances, the rejection of the application is perfectly correct and it has got to be sustained.

8. The Court paid its anxious consideration on the rival submissions made. It is not in controversy that after filing of the writ petition, the petitioner was permitted to write the examination and the results were published, but the appointment order is yet to be given. A copy of the application is also placed before this Court. This Court is unable to agree with the case of the petitioner. There is no ambiguity in the columns of application regarding the places where the applicant has to subscribe her signature, viz., first page at the bottom of the photograph, second singature at the end of the application and third signature at the

end of the declaration. Now, it is not in controversy that the petitioner has signed in the application in two places viz. at the bottom of the photograph in the first page and also at the last page following the declaration. Thus, one of the signatures to be affixed at the end of the application is missing. The contention put forth by the learned counsel for the petitioner that Column No.24 is applicable to the persons who have already participated in the interview and since the petitioner has not participated in the interview, she has not filled up the said column. cannot be countenanced. It is quite clear that Column No.24 is for filling up certain particulars only. Since the petitioner has not signed at the end of the application form, the application was incomplete and though she has signed in the declaration column, it will not in any way cure the defect already happened. This Court had an occasion to consider such a situation and negatived the relief sought for. Hence in a case like this, no ambiguity is noticed regarding the fact that the application has to be signed by the candidates in three places and since the petitioner has signed only in two places, no question of granting the relief as prayed for would arise. Therefore, the above writ petition requires only an order of dismissal and accordingly it is dismissed. No costs. Consequently, MP.No.1 of 2007 is also dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

VJY

To

The Controller of Examination,
Tamil Nadu Public Service Commission
Omanthoorar Government Estate
Chennai-02.

1 cc To Mr.C.N.G.Ezhil Arasi, Advocate, SR.61797.

1 cc To Mr.K.Premkumar, Advocate, SR.61460.

W.P.NO.6299 OF 2007

AND

M.P.NO.1 OF 2007

TS (CO)

RVL 10.10.2007